

REMARKS

This is a response under 37 C.F.R. § 1.116 to the Final Office Action mailed June 16, 2005. By this response, Applicant has amended claim 1 to clarify that it is the overall cost of the communications system that is minimized, but has not otherwise amended the claims. Claims 1-7, 10-17, 21-35, 39-40, 42-46, 48-54, 58-66 and 69-73 (3 independent and 54 dependent claims) therefore remain pending in the application, with claims 1, 35 and 69 being independent claims. No new matter has been added, and no fee or extension of time is believed to be required by this Response. Should this Application require any fee or extension of time, however, please consider this as a petition for such extension and as authorization to debit Deposit Account No. 50-2091 for any fees as may be required to prevent abandonment of this application.

This response is intended to supplement the information previously provided to the Examiner, and to clarify Applicant's position with regard to the teachings of the prior art. Applicant greatly appreciates Examiner Escalante's offer for a telephonic conference, and the undersigned would welcome an opportunity to discuss the material contained in this response in additional detail. Applicant respectfully hopes that the following information will help in framing the issues that can be discussed more fully in a telephonic conference.

Generally speaking, the present claims relates to systems and techniques for processing passenger emails on a vehicle such as an aircraft. The system is unique in that it is capable of minimizing the overall cost of operating the email system through the use of multiple transmission modes. That is, outgoing messages are stored in a message queue and processed in a manner that uses multiple transmission media (e.g. satellite, radio frequency, GATELINK terminal systems, and the like) to minimize total system costs. As an example, certain communications media (e.g. satellite links) are purchased in "blocks" of fixed size for a fixed cost. In the event that one or more messages in the queue are "urgent", the system may purchase a "block" of satellite data for immediate transmission. If the "urgent" messages didn't fill the entire purchased block, however, the remaining bandwidth of the purchased block can be allocated to other messages in the queue (even if they are not necessarily "urgent" messages) to reduce subsequent costs. While this is one example that may or may not be implemented in various embodiments, it illustrates the flexibility of the system in exploiting available resources to minimize the total costs of operating the system. Rather than emphasizing lowest costs to the

passenger sending the email, then, the presently-claimed invention is concerned with reducing overall costs of the communications system through efficient use of available data connections.

In contrast to the present invention, the prior art cited in the Final Office Action does not provide any mechanism or technique for minimizing the overall cost of operating the system as a whole. While Bastian does disclose the use of cost as one factor used in determining a mode of transferring email, this disclosure is limited in that it only considers the cost to the user. As quoted in our previous Response, Bastian's *entire disclosure* with regard to determining communications links based upon transmission costs is as follows:

[T]he selection of the or (sic) each link is dependent upon one or more of: the available of each link; the relative cost of each link; and the relative speed of each link. (emphasis added).¹

As noted in our prior response, this language solely relates to consideration of the relative costs of each link, and does not disclose the concept of using each of the links in a manner that minimizes the overall cost of the communications system.

In the Final Office Action, the Examiner states that "cost is considered by Bastian since Bastian discloses delaying transmission of messages so that a less costly method of transferring messages can be used", citing column 14 of the reference. Even accepting this statement as true, however, this does not disclose the language of our claims. Indeed, upon review of column 14 (and associated FIG. 4) of Bastian, it is clear that the cited language merely describes a technique by which messages are retrieved from a user's remote account, and in which the user is able to select only certain messages to be retrieved. This language in no way whatsoever relates to the sending of messages from the aircraft to a remote server, as recited in the present claims.

Further, even to the limited extent that this newly-cited language relates to conserving costs of transferring email, the cited language does not pertain in any manner whatsoever to selecting between multiple available data connections to minimize the overall cost of the communications system. In the scenario described in column 14, the user's alternative to immediate download is to wait until the passenger has left the aircraft entirely.² Moreover, the Examiner seems to acknowledge that the Bastian system is concerned with the users' costs, rather than the overall cost of the communications system, when he states that "Bastian also teaches that, based upon the user's desire, this can be overridden and the more expensive

¹ See col. 2, lines 24-40 of the Bastian reference.

transfer mode can be selected".³ Bastian is therefore concerned with *retrieving messages based upon the cost preferences of the user*, rather than with *sending messages based upon minimizing costs to the communications system*.

Applicant looks forward to the opportunity to present this distinction in additional detail to the Examiner in an upcoming telephone conference. If the Examiner has any questions, comments or suggestions in the meantime that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Respectfully submitted on behalf of assignee

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² See col. 14, lines 61-64 of the Bastian reference.

³ Final Office Action at page 14, lines 18-19 (emphasis added).